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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,425	12/14/2005	Armando Annunziato	09952.0015	8859
22852	7590	12/18/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CHAMBERS, TANGELA T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,425

Applicant(s)

ANNUNZIATO ET AL.

Examiner

TANGELA T. CHAMBERS

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is in response to the amendment and arguments filed on 10/15/2008.
2. Claims 27, 31, 34-35, 39, 43-44 and 50 have been amended.
3. Claims 27-52 are rejected.

Response to the Arguments

4. The applicant's arguments filed on 10/15/2008 have been fully considered, but they are not persuasive. In the Remarks, the applicant has argued in substance:

(1) The applicant argued features, i.e. a mobile terminal configured to determine its location coordinates with respect to a set of reference elements including providing in statistical filtering at least one further state in addition to at least one location coordinate, wherein said at least one further state being representative of said measurement errors, and in a further embodiment, including in said set of reference elements both terrestrial reference elements and at least one satellite-based reference element of a satellite-based positioning system.

Response:

- (1) The argued features read upon Riley et al (Riley) in view of McBurney et al. Riley discusses a mobile terminal using reference elements to calculate its position. Thus Riley shows the limitation of "A method for determining at least one location coordinate of a mobile terminal with respect to a set of reference elements adapted to send radioelectric signals toward said mobile terminal".

Riley discusses hybrid position location using both Advanced Forward Link Trilateration (AFLT) (terrestrial) measurements and Global Positioning System (GPS) (satellite) measurements. Thus Riley shows the limitation of "including in said set of reference elements both terrestrial reference elements and at least one satellite-based reference element of a satellite-based positioning system".

Riley did not specifically disclose providing in statistical filtering at least one further state in addition to at least one location coordinate, wherein said at least one further state being representative of said measurement errors; therefore Riley is modified with McBurney et al to show such features were obvious in the art.

(2) Regarding the applicant's arguments within several of the dependencies, Riley as discussed above discloses those limitations, or Riley as modified by the secondary references show those limitations.

(3) In response to the applicant's argument that the references are not combinable, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

As a result, the argued features are shown by Riley as modified by McBurney et al.

The argued features read upon the references as follows:

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-47 and 49-51 are rejected under 35 U.S.C. 102(e) as being unpatentable over Riley et al (Riley) (US Patent Publication No. 2003/0125046 A1) in view of McBurney et al (McBurney) (US Patent No. 6,055,477 A).

As per claims 27-28, 35-36 and 44-45, Riley discloses:

- ***A method for determining at least one location coordinate of a mobile terminal with respect to a set of reference elements adapted to send radioelectric signals toward said mobile terminal***, (Riley, Page 1, Paragraphs [0005]-[0007]), Riley teaches a mobile terminal using reference elements to calculate its position.
- ***measuring said radioelectric signals to derive respective measurements***, (Riley, Pages 2-3, Paragraph [0028]).
- ***said measurements being affected by measurement errors***; (Riley, Page 7, Paragraph [0081]), Riley teaches measurements being affected by errors.
- ***subjecting such measurements to state-based statistical filtering***; (Riley, Page 2, Paragraph [0015], "After collection of multiple measurements upon the base station from one or more mobile stations from several different known locations, these measurements are used as input to a conventional position and time offset computation procedure, such as least squares, or a Kalman filter, as is commonly understood in the art of navigation (e.g., GPS and AFLT).").
- ***selecting at least part of said set reference elements as terrestrial reference elements***; (Riley, Page 1, Paragraph [0005] and Page 2, Paragraph [0015], "If the position and timing offset of the mobile station is determined from global position satellites or from a number of quality signals from base stations having known positions and timing offsets, then it is possible for the position and timing offset of the mobile station to be quite precise, often to approximately meter and nanosecond level accuracy.").

Riley discloses providing statistical filtering in at least one state but does not specifically disclose:

- ***providing in said statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors,*** However, McBurney in an analogous art discloses the above limitation. (McBurney, Abstract, Column 12, Lines 35-55 and Column 18, Lines 39-52), McBurney teaches providing measurement errors in addition to at least one location coordinate in statistical filtering.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McBurney into the teaching of Riley to provide measurement errors in addition to coordinates in performing statistical filtering. The modification would be obvious because one of ordinary skill in the art would want the benefit of achieving an integration of measurements to provide better accuracy of two-dimensional and/or three-dimensional location coordinates than with one instrument's location coordinate(s) alone. (McBurney, Column 7, Lines 52-59).

- ***determining from said state-based statistical filtering said at least one location coordinate of said terminal,*** (McBurney, Abstract and Column 7, Line 40 – Column 8, Line 39, "Methods for GPS-assisted determination of location coordinates of a mobile user ... using Kalman filter techniques, minimum least square techniques, or comparison of certain statistically defined parameters[.]").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McBurney into the teaching of Riley to determine at least one location coordinate of a mobile terminal using state-based statistical filtering. The modification would be obvious because one of ordinary skill in the art would want the benefit of achieving an integration of measurements to provide better accuracy of two-dimensional and/or three-dimensional location coordinates than with one instrument's location coordinate(s) alone. (McBurney, Column 7, Lines 52-59).

As per claim 29, 37 and 46, Riley further discloses:

- ***associating with said respective measurements at least one additional measurement indicative of at least one of the location and displacement of said mobile terminal***, (Riley, Page 1, Paragraph [0005] and Pages 2-3, Paragraph [0028], "The CDMA network is capable of locating the position of the AFLT mobile station 22 and the hybrid mobile station 23 using the well-known AFLT technique of the mobile station measuring the time of arrival of so-called pilot radio signals from the base stations.")

As per claim 30, 38 and 47, McBurney further discloses:

- ***measuring an altitude coordinate of said mobile terminal***, (McBurney, Abstract and Column 7, Line 60 – Column 8, Line 24, "An altimeter, barometer or other altitude sensor can provide altitude or elevation information that is accurate to within 10-20 meters, depending upon the time elapsed since the last calibration, the quality of the last calibration and the local rate of change of barometric pressure.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McBurney into the teaching of Riley to measure an altitude coordinate of a mobile terminal. The modification would be obvious because one of ordinary skill in the art would want the benefit of achieving an integration of measurements to provide better accuracy of two-dimensional and/or three-dimensional location coordinates than with one instrument's location coordinate(s) alone. (McBurney, Column 7, Lines 52-59).

As per claim 31 and 39, Riley further discloses:

- ***including in said set of reference elements at least one satellite-based reference element of a satellite-based positioning system***, (Riley, Abstract and Page 1, Paragraphs [0005]-[0006] and Page 2, Paragraph [0027] – Page 3, Paragraph [0030], "A more advanced technique is hybrid position location, where the mobile station employs a Global Positioning System (GPS) receiver and the position is computed

based on both AFLT and GPS measurements.”).

As per claim 32, 40 and 49, Riley further discloses:

- ***wherein measuring said radioelectric signals comprises the step of determining at least one parameter selected from the group consisting of: power received at said mobile terminal from said set of reference elements, timing advance, round trip time, observed time differences, and observed time differences of arrival***, (Riley, Page 2, Paragraph [0026] and Page 4, Paragraph [0042]), Riley teaches measuring radio-electric signals to determine the observed time differences.

As per claim 33 and 41, Riley further discloses:

- ***selecting at least part of said set of reference elements as elements comprising, together with said mobile terminal, a terrestrial cellular communication system***, (Riley, Fig. 1 and Page 2, Paragraphs [0025]-[0026]), “FIG. 1 shows a CDMA cellular telephone network using a GPS system for locating mobile telephone units and calibrating base stations.”).

As per claims 34, 43 and 50, they are rejected under the same reasons set forth in connection of the rejections of claims 27 and 31.

As per claim 42, Riley further discloses:

- ***wherein at least one of said measurement module and said processing module includes a first portion hosted by said mobile terminal and a second portion hosted by a location center, wherein said first and second portions are arranged for data exchange over said terrestrial cellular communication system***, (Riley, Page 3, Paragraph [0031], “A mobile positioning center (MPC) 36 is connected to mobile switching center (MSC) 34. The MPC 36 manages position location applications and interfaces location data to external data networks through an interworking function (IWF) 37 and a data network link 38.”).

As per claim 51, it is rejected under the same reasons set forth in connection of the rejections of claims 27 – 34.

Claims 48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al (Riley) (US Patent Publication No. 2003/0125046 A1) in view of McBurney et al (McBurney) (US Patent No. 6,055,477 A) and in further view of Hoshino et al (Hoshino) (US Patent No. 6,081,230 A).

As per claim 48, neither Riley nor McBurney specifically discloses:

- ***wherein the terminal is mounted on a vehicle, and said at least one additional measurement is indicative of at least one of the location and displacement of said vehicle,*** However, Hoshino in an analogous art discloses the above limitation. (Hoshino, Fig. 11 and Column 27, Lines 35-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hoshino into the teaching of Riley to have the terminal mounted on a vehicle to indicate location and displacement of the vehicle. The modification would be obvious because one of ordinary skill in the art would want the benefit of achieving a navigation system which enhances positioning accuracy without employing any sensor of high precision. (Hoshino, Column 5, Lines 20-53).

As per claim 52, it is rejected under the same reasons set forth in connection of the rejections of claims 44 – 50.

Conclusion

6. The prior art not relied upon but considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TANGELA T. CHAMBERS** whose telephone number is **571-270-3168**. The examiner can normally be reached Monday through Thursday, 9:00am-6:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached at telephone number **571-272-7876**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tangela T. Chambers/
Patent Examiner, Art Unit 2617

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December 10, 2008

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617